

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,  
Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**JOINT URGENT MOTION BY AMBAC ASSURANCE CORPORATION,  
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  
THE COMMONWEALTH OF PUERTO RICO, AND THE PUERTO RICO  
FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY,  
SEEKING AN ORDER GRANTING AN ADJOURNMENT OF THE HEARING  
ON THE PENSIONS DISCOVERY MOTIONS**

To the Honorable United States Magistrate Judge Judith Gail Dein:

Movant Ambac Assurance Corporation (“Ambac”) and Respondents The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Oversight Board as the Commonwealth’s representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), and the Puerto Rico Fiscal Agency and

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

Financial Advisory Authority (“AAFAF,” and together with the Oversight Board and the Commonwealth, the “Respondents”),<sup>2</sup> respectfully submit this joint urgent motion (the “Joint Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A**, granting an adjournment of the hearing on Ambac’s *Motion To Compel Compliance with the Court’s December 15, 2017 and February 26, 2018 Orders Regarding the Urgent Joint Motion of the Ad Hoc Group of General Obligation Bondholders, Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., the Mutual Fund Group, and National Public Finance Guarantee Corporation for Order Authorizing Rule 2004 Examination* (Dkt. No. 7505) and *Motion for Entry of Order Authorizing Discovery Under Bankruptcy Rule 2004 Concerning Pensions Liabilities* (Dkt. No. 7507) (together, the “Pensions Discovery Motions”) to the January Omnibus Hearing, scheduled to take place on **January 29, 2020**. In support of the Joint Motion, the Parties respectfully represent as follows:

### **BACKGROUND**

1. On June 18, 2019, Ambac filed the Pensions Discovery Motions (Dkt. Nos. 7505, 7507). On June 19, 2019, the Title III Court referred Ambac’s *Motion for Entry of Order Authorizing Discovery Under Bankruptcy Rule 2004 Concerning Pension Liabilities* to the Honorable Judith G. Dein pursuant to 28 U.S.C. § 636(b) (Dkt. No. 7514).

1. On July 9, 2019, Respondents filed their *Omnibus Opposition to the Pensions Discovery Motions* (Dkt. No. 7895) (“Opposition Brief”).

2. On July 23, 2019, Ambac submitted its reply in further support of the Pensions Discovery Motions (Dkt No. 8230) (“Reply Brief”).

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<sup>2</sup> The Movants and Respondents are collectively referred to as the “Parties.”

3. The Parties subsequently filed a number of motions seeking to adjourn the hearing on the Pensions Discovery Motions in order to allow the Parties to continue to meet and confer. (*See* Dkt. Nos. 8007, 8271, 8444, 8634). The Court granted these motions. (*See* Dkt Nos. 8017, 8291, 8447, 8638).

4. The Parties submitted joint status reports informing the Court of their progress on August 12, 2019 (Dkt. No. 8445) and September 6, 2019 (Dkt. No. 8633).

5. On October 25, 2019, the Parties filed their third joint status report (Dkt. No. 8996). At the same time, the Parties jointly filed an urgent motion seeking an order granting an adjournment of the hearing on the Pensions Discovery Motions in order to allow the Parties to continue to meet and confer (Dkt. No. 8997). The Court granted the motion, adjourning the hearing on the Pensions Discovery Motions to the December Omnibus Hearing, and ordering the Parties to submit a fourth joint status report to the Court on the remaining issues for adjudication on or before December 6, 2019 (Dkt. No. 9006).

6. As set forth in the Parties' fourth joint status report, filed concurrently with this Joint Motion, the Parties continue to engage in good faith discussions in an attempt to narrow the remaining issues that require adjudication by this Court. In addition, briefing on Respondents' motion to strike two Rule 2004 motions and to seek sanctions against Ambac (Dkt. No. 9409, the "Motion to Strike") will conclude on December 10, 2019.

### **RELIEF REQUESTED**

7. By this Joint Motion, the Parties request an order granting an adjournment of the hearing on the Pensions Discovery Motions to the January Omnibus Hearing, scheduled to take place on **January 29, 2020**.

8. For the reasons set forth herein, as well as in the Parties' fourth joint status report, the Parties believe an adjournment of the hearing on the Pensions Discovery Motions to the January Omnibus Hearing is appropriate.

9. Pursuant to Paragraph 1.H of the *Tenth Amended Notice, Case Management and Administrative Procedures* (Case No. 17 BK 3283-LTS, ECF No. 8027-1), the Parties hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made bona fide effort to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and no party opposes the relief requested herein.

10. This is the Parties' sixth request for an adjournment of the hearing on the Pensions Discovery Motions.

Dated: December 6, 2019  
San Juan, Puerto Rico

**FERRAIUOLI LLC**

By: /s/ Roberto Camara-Fuertes  
Roberto Cámara-Fuertes (USDC-PR No. 219002)  
Sonia Colón (USDC-PR No. 213809)  
221 Ponce de León Avenue, 5th Floor  
San Juan, PR 00917  
Telephone: (787) 766-7000  
Facsimile: (787) 766-7001  
Email: rcamara@ferraiuoli.com  
scolon@ferraiuoli.com

**MILBANK LLP**

By: /s/ Atara Miller  
Dennis F. Dunne  
Andrew M. Leblanc  
Atara Miller  
Grant R. Mainland  
(admitted *pro hac vice*)  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 530-5000  
Facsimile: (212) 530-5219  
Email: ddunne@milbank.com  
aleblanc@milbank.com  
amiller@milbank.com  
gmainland@milbank.com

***Attorneys for Ambac Assurance Corporation***

/s/ Margaret A. Dale

Martin J. Bienenstock  
Stephen L. Ratner  
Timothy W. Mungovan  
Paul V. Possinger  
Margaret A. Dale  
(Admitted *Pro Hac Vice*)  
**PROSKAUER ROSE LLP**  
Eleven Times Square  
New York, NY 10036  
Tel: (212) 969-3000  
Fax: (212) 969-2900

*Attorneys for the Financial Oversight and  
Management Board as representative for the  
Debtors*

/s/ Hermann D. Bauer

Hermann D. Bauer (USDC No. 215205)  
**O'NEILL & BORGES LLC**  
250 Muñoz Rivera Ave., Suite 800  
San Juan, PR 00918-1813  
Tel: (787) 764-8181  
Fax: (787) 753-8944

*Co-Attorneys for the Financial Oversight  
and Management Board as representative  
for the Debtors*

/s/ Peter Friedman

John J. Rapisardi  
(Admitted *Pro Hac Vice*)  
**O'MELVENY & MYERS LLP**  
7 Times Square  
New York, NY 10036  
Tel: (212) 326-2000  
Fax: (212) 326-2061

Peter Friedman  
(Admitted *Pro Hac Vice*)  
1625 Eye Street, NW  
Washington, DC 20006  
Tel: (202) 383-5300  
Fax: (202) 383-5414

Elizabeth L. McKeen  
Ashley M. Pavel  
(Admitted *Pro Hac Vice*)  
610 Newport Center Drive  
17th Floor  
Newport Beach, California 92660  
Tel: (949) 823-6900  
Fax: (949) 823-6994

*Attorneys for the Puerto Rico Fiscal  
Agency and Financial Advisory Authority*

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi  
USDC No. 222301  
Email: lmarini@mpmlawpr.com  
Carolina Velaz-Rivero  
USDC No. 300913  
Email: cvelaz@mpmlawpr.com  
**MARINI PIETRANTONI MUÑIZ  
LLC**  
250 Ponce de León Ave.  
Suite 900  
San Juan, Puerto Rico 00918  
Tel: (787) 705-2173  
Fax: (787) 936-7494

*Co-Attorneys for the Puerto Rico Fiscal  
Agency and Financial Advisory Authority*

**CERTIFICATE OF SERVICE**

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

/s/ Roberto Camara-Fuertes

Roberto Cámara-Fuertes (USDC-PR No. 219002)